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|   |             |                      |                     |                  |
|---|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/980,376  | 03/20/2002  | Serge Haumont        | 59643.00717         | 9736             |
| 32294   | 7590        | 04/17/2008           |                     |                  |
| SQUIRE, SANDERS & DEMPSEY LLP.<br>8000 TOWERS CRESCENT DRIVE<br>14TH FLOOR<br>VIENNA, VA 22182-2700 |             |                      | EXAMINER            | AJAYI, JOEL      |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2617                |                  |
|   |             |                      |                     |                  |
|   |             |                      | MAIL DATE           | DELIVERY MODE    |
|   |             |                      | 04/17/2008          | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                         |  |
|------------------------------|-------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>        | <b>Applicant(s)</b>     |  |
|                              | 09/980,376                    | HAUMONT ET AL.          |  |
|                              | <b>Examiner</b><br>JOEL AJAYI | <b>Art Unit</b><br>2617 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

**Status**

1) Responsive to communication(s) filed on 31 January 2008.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-17, 19, 21-60, 77-92, 96-100 and 102-105 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-17, 19, 21-60, 77-92, 96-100, 102-105 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/8B/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 31, 2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17, 19, 21-60, 77-92, 96-100, 102-105 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time

a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-17, 19, 21-60, 77-92, 96-100, 102-105** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Purchase et al. (U.S. Patent Number: 5,432,838)** in view of **Willars (U.S. Patent Number: 6,507,567)**.

Consider **claim 1**; Purchase discloses a network element comprising: a monitoring unit (radio controller) configured to monitor at least one parameter related to a connection between a mobile station and an end element (column 13, lines 55-58); and a determining unit (radio controller) configured to determine if the connection between said end element and said mobile station is to be released dependent solely on said at least one parameter monitored by aid monitoring unit (column 13, lines 55-58).

Except:

That the network element is configured between the mobile station and the end element and the connection is established between the mobile station and the end element via the network element.

In an analogous art, Willars discloses that the network element (RNC) is configured between the mobile station and the end element and the connection is established between the mobile station and the end element (Internet) via the network element (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claim 9**; Purchase discloses a network element comprising: monitoring means for monitoring at least one parameter (column 13, lines 55-58); and determining means for determining if the connection is to be released dependent solely on said at least one parameter monitored by said means for monitoring, wherein said at least one parameter comprises an elapsed time since the last use of the connection, and said determining means determines that the connection is to be released if said monitoring means indicates that the connection has not been used for a predetermined time (column 13, lines 55-58).

Except:

That the network element is configured between the mobile station and the end element and the connection is established between the mobile station and the end element via the network element.

In an analogous art, Willars discloses that the network element (RNC) is configured between the mobile station and the end element and the connection is established between the mobile station and the end element (Internet) via the network element (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claim 12**; Purchase discloses a network element comprising: monitoring means for monitoring at least one parameter (column 13, lines 55-58); and determining means for determining if the connection is to be released dependent solely on said at least one parameter monitored by said monitoring means, wherein said at least one parameter comprises a state of said mobile station (inactivity), and said determining means is configured to determine if the connection is to be released based on the state of the mobile station determined by said monitoring means (column 13, lines 55-58).

Except:

That the network element is configured between the mobile station and the end element and the connection is established between the mobile station and the end element via the network element.

In an analogous art, Willars discloses that the network element (RNC) is configured between the mobile station and the end element and the connection is established between the mobile station and the end element (Internet) via the network element (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claim 13**; Purchase discloses a network element comprising: monitoring means for monitoring at least one parameter (column 13, lines 55-58); and determining means for determining if the connection is to be released dependent solely on said at least one parameter monitored by said monitoring means, and said determining means is configured to determine if the connection is to be released (column 13, lines 55-58).

Except:

Wherein the parameter comprises a movement of the mobile station; the network element is configured between the mobile station and the end element and the connection is established between the mobile station and the end element via the network element.

In an analogous art, Willars discloses releasing a channel/connection based on a movement of the mobile station (handover, which is needed due to mobile station movement/location) (column 4, lines 30-56); that the network element (RNC) is configured between the mobile station and the end element and the connection is established between the mobile station and the end element (Internet) via the network element (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claim 16**; Purchase discloses a network element comprising: monitoring means for monitoring at least one parameter (column 13, lines 55-58); and determining means for determining if the connection is to be released dependent solely on said at least one parameter

monitored by said monitoring means, and said determining means is configured to determine if the connection is to be released (column 13, lines 55-58).

Except:

Wherein the parameter comprises a location of the mobile station; the network element is configured between the mobile station and the end element and the connection is established between the mobile station and the end element via the network element.

In an analogous art, Willars discloses releasing a channel/connection based on a location of the mobile station (handover, which is needed due to mobile station movement/location) (column 4, lines 30-56); that the network element (RNC) is configured between the mobile station and the end element and the connection is established between the mobile station and the end element (Internet) via the network element (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claim 98**; Purchase discloses a radio network controller comprising: a processor configured to monitor at least one parameter of a connection and to determine if the connection is to be released dependent solely on said at least one parameter (column 13, lines 55-58).

Except:

That the radio network controller is implemented in a communication network, said radio network controller being configured between the mobile station and the end element, wherein the

connection is established between said mobile station and said end element via said radio network controller.

In an analogous art, Willars discloses that the radio network controller is implemented in a communication network, said radio network controller being configured between the mobile station and the end element (Internet), wherein the connection is established between said mobile station and said end element via said radio network controller (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claim 99**; Purchase discloses a method comprising: monitoring, at the radio network controller, at least one parameter (column 13, lines 55-58); and determining if the connection is to be released solely on said at least one parameter (column 13, lines 55-58).

Except:

Establishing a connection between a mobile station and an end element in a communication network through a radio network controller configured between the mobile station and the end element.

In an analogous art, Willars discloses establishing a connection between a mobile station and an end element in a communication network through a radio network controller configured between the mobile station and the end element (Internet) (column 2, lines 13-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Purchase by including a mobile station and the

end element, as taught by Willars, for the purpose of providing a radio communication system with these components.

Consider **claims 2, 3, 24-40, 102-105**; Purchase discloses that the at least one parameter comprises user activity and said network element is configured to release said connection if there is user inactivity for a predetermined period of time (column 13, lines 55-58).

Consider **claims 4-8, 14, 15, 17, 19, 21-23, 77-92, 96, 100**; Willars discloses that the network element is configured to send a request for the connection to be released to said mobile station (column 2, lines 13-37; column 4, lines 30-56; column 11, lines 1-13).

Consider **claims 10, 11**; Purchase discloses that the predetermined time depends on the type of traffic for which the connection is intended (column 13, lines 43-58).

Consider **claims 41-60, 97**; Willars discloses that the at least one parameter comprises a movement of the mobile station (handover, which is needed due to mobile station movement/location), and said determining unit is configured to determine if the connection should be released based on the movement of the mobile station monitored by said monitoring unit (column 2, lines 13-37; column 4, lines 30-56; column 11, lines 1-13).

### ***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
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**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joel Ajayi whose telephone number is (571) 270-1091. The Examiner can normally be reached on Monday-Friday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Joel Ajayi*  
/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617